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TAGS: [KCFE](#) [OSCE](#) [PARM](#) [PREL](#)
SUBJECT: CFE/JCG: 21 OCTOBER PLENARY - ISTANBUL
COMMITMENTS; ALLIES SUPPORT U.S. PROTEST; JCG CANCELLATIONS

Classified By: Chief Arms Control Delegate Hugh Neighbour,
for reasons 1.4(b) and (d).

¶1. (SBU) At the JCG Plenary on 21 October, the Czech Republic called on Russia to fulfill its Istanbul Commitments and voiced support for Georgia and Moldova on the same issue. Russia continued to accuse Allies of a "double standard" in criticizing Russia but not other States Parties on the fulfillment of the Istanbul Commitments. The U.S. reminded all that host nation consent was important and that respect for this principle was key to moving forward out of the CFE impasse. Additionally, the U.S. called out Russia for its refusal of the U.S. request for a CFE inspection. The U.K., France, Romania, Portugal, Italy, Turkey, and the Czech Republic, voiced their support for the US protest. The Chairman, Norway, proposed to cancel the 4 and 11 November JCG Plenaries due to scheduling conflicts with other arms control meetings. Russia agreed in principle with canceling an occasional meeting, but needed to ask Moscow for guidance regarding canceling two meetings in a row. Washington, please see paragraph 12 for guidance request. End summary.

IT'S STILL ABOUT THE ISTANBUL COMMITMENTS

¶2. (SBU) Norway chaired the 676th meeting of the JCG Plenary. In response to last week's Russian accusation that the Czech Republic was using a "double standard" on determining who had fulfilled the Istanbul Commitments, the Czech Republic (Reinhlova) repeated its support for Georgia and Moldova that they had fulfilled their part of the agreement and accused Russia of not fulfilling its Istanbul Commitments. Russia (Ulyanov) explained that the "double standard" is that Allies were quick to conclude that Russia had not done its part, but never focus on Moldova or Georgia, who Russia believes have not fulfilled their part of the agreement. Ulyanov rattled off a number of issues including use of Vaziani, Gudauta, and failure to provide Russia with rights for temporary deployment.

¶3. (SBU) Georgia (Giorgadze) countered that Georgia had fulfilled all of its Istanbul Commitments, the discussion for the joint use of Gudauta was inconclusive, there was no agreement on temporary deployment to implement, and that Russia never officially asked for temporary deployment using

the proper notification. Giorgadze reminded the JCG that Russia never withdrew fully from Gudauta. Georgia promised to provide a detailed legal analysis of Georgia's fulfillment and Russian Federation lack of fulfillment of many Istanbul Commitments.

¶4. (SBU) The U.S. (Neighbour) followed up the back and forth between Russia and Georgia by reminding Russia that there are steps it needed to take to fulfill its Istanbul Commitments and of the importance of the concept of host nation consent in the 21st century. Neighbour said that this concept was paramount to move forward beyond the current impasse.

ALLIES SUPPORT U.S. PROTEST

¶5. (SBU) Under the Treaty verification item of the agenda, the U.S. (Neighbour) informed the Plenary that on 16 October Russia had rejected a request by the U.S. for a CFE inspection. Neighbour noted that the continuing rejections of inspections by Russia are clear acts of non-compliance with its CFE Treaty obligations. In a series of brief interventions, the U.K., France, Romania, Portugal, Italy, Turkey, and the Czech Republic voiced their support for the U.S. statement. Although Germany (Richter) did not voice support for the U.S. intervention per se, he instead expressed regret over Russian refusals and repeated his previous position that these refusals were dangerously eroding the Treaty.

JCG CANCELLATIONS - WAITING ON MOSCOW

¶6. (SBU) As previously agreed to in the JCG-T plus 4, the Chairman (Norway, Vik) informed the Plenary that due to two scheduling conflicts with other arms control meetings, there is a proposal by several States Parties to cancel the JCG meetings on 4 and 11 November. Russia (Ulyanov) commented that there was no objection to such a cancellation to support other arms control meetings, but questioned the wisdom of canceling two meetings in a row. Ulyanov will seek guidance from Moscow.

QUAD DISCUSSION ON JCG CANCELLATION

¶7. (C) At A QUAD meeting on 20 October, Germany (Richter) was very reluctant to agree to canceling more than one JCG Plenary. USDEL (Neighbour) reminded Richter that German HLTF representative Biontino had supported Allies' efforts to cancel two JCGs, and had even proposed to use an arms control seminar (Open Skies) in Berlin on 13-14 November to cancel the 11 November JCG. Richter informed the QUAD that "Germany would not oppose." Richter's logic was that since the optics of Russian chairmanship of the JCG during the Ministerial Council was not a problem for Germany, it should not be a problem for the U.S. or the U.K.

WE WANT A "FACTUAL" LETTER

¶8. (C) Iceland chaired the 20 September JCG-T plus 4 meeting in which Allies found "technical" ways to cancel the JCG Plenary on 4 and 11 November. Except for an obviously reluctant Germany (Richter), all quickly agreed to use the Romanian HLTF retreat (5-7 Nov) as an excuse to cancel the 4 November plenary as well as to use the Open Skies Berlin Seminar (13-14 Nov) to cancel the 11 November JCG meeting. Norway, JCG Chair, presented this proposal to the plenary on 21 October for consideration by the JCG.

¶9. (C) The main focus of the meeting, however, was on the draft JCG letter to the Ministerial Council. There was strong support by Germany, Luxembourg, the U.S., Turkey, the Netherlands, the U.K., Italy, the Czech Republic, for a "factual" JCG letter. Allies agreed that the letter should be as factual as possible and that Russia and other States

Parties be allowed their factual inputs into the letter.

¶10. (C) During the discussion, Allies differed on how many details of what took place in 2008 in the JCG, should be included in the document. Romania (Neculaescu), supported by the Czech Republic (Reinohlova), pushed to add a list of activities that took place in the JCG while others were happy with the current level of details. USDEL (Neighbour) offered Washington's comments to Allies (per email guidance from VCI/Phelan to USDEL/Neighbour on 16 October) of which there were general support. Germany (Richter), however, did not agree with the phrase that "suspension is a unilateral measure not provided for under the terms of the CFE Treaty and..." Richter proposed the text be replaced with "suspension is a unilateral measure which (dramatically) undermined the viability of the CFE Treaty and..."

¶11. (C) The JCG Chair Troika of Norway, the Netherlands, and Portugal, will offer an outline of the JCG letter to Russian Chief Arms Control Delegate Ulyanov for discussion and to determine if Moscow is interested in having a JCG letter to the Ministerial Council. The outcome of this Troika/Russia meeting will drive further discussion of the letter in future JCG-T meetings.

SUSPENSION IS LEGAL?!? - REQUEST FOR GUIDANCE

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¶12. (SBU) At the 14 October JCG, Russia provided a long dissertation on how its suspension of the CFE Treaty is in accordance with customary international law and Vienna Convention. JCG Journal 675, Annex 6 contained the pertinent

details of the Russian arguments. USDEL requests Washington provide guidance, in time for the 28 October JCG, to refute Russian claims and misinterpretations of legal documents, in particular, the article by article commentary prepared by State on 2 July 1991 in connection with the ratification of the CFE Treaty.

FINLEY